

Report Date: December 13, 2006

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEC 13 2006

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender***(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Dyneshia Marie Sleep

Case Number: 2:04CR00207-001

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 5/31/2005

Type of Supervision: Supervised Release

Original Offense: Distribution of a Mixture or  
Substance Containing Cocaine Base, 21 U.S.C. §  
841(a)(1)

Date Supervision Commenced: December 8, 2006

Original Sentence: Prison - 30 Months; TSR - 60  
Months

Date Supervision Expires: December 7, 2011

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 20 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**CAUSE**

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9<sup>th</sup> Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug tests per month.

Dyneisha Sleep was asked whether she would waive her right to a hearing and agree to the modifications as previously described. As indicated by the enclosed Waiver of Hearing to Modify Conditions of Supervised Release form, Ms. Sleep has agreed to the proposed modifications.

Respectfully submitted,

by

Tommy Rosser  
U.S. Probation Officer  
Date: December 13, 2006

Prob 12B

**Re: Sleep, Dyneshia Marie**

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**THE COURT ORDERS**

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer



Date

# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision


I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

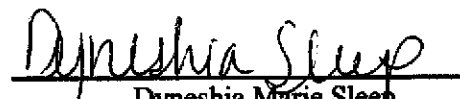
To modify the conditions of supervision as follows:

- 20 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Witness:

  
Tommy Rosser  
U.S. Probation Officer

Signed:

  
Dyneshia Marie Sleep  
Probationer or Supervised Releasee

December 11, 2006

Date